IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3179 OF 2004

Dhondiba N.Kale .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.M.K.Kocharekar for the applicant.
Mr.R.Y.Mirza APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 17TH AUGUST, 2004

P.C.:

. Heard Mr.Kocharekar, learned counsel for the applicant and Mr.Mirza, learned A.P.P. for the respondent.

2. This application under section 438 of the Criminal Procedure Code is filed by the applicant in C.R.No.33 of 2004 registered at Yellow Gate police station under sections 380, 465, 467, 468, 471, 420 read with 34 of Indian Penal Code. It is the prosecution case that the applicant who was elected Chairman of Mumbai Dock Labour Board Employees Co-op. Credit Society Ltd., committed theft of Cheque bearing No.329959 and used the same for fraudulently transferring the amount of

Rs.85,540/- in favour of one Lalbahadur Kheduram, former member of the society. The case of the prosecution is based on the documents.

3. Mr.Kocharekar, learned counsel for the applicant submitted that the applicant has been falsely implicated in this case. As a matter of fact it was applicant who noticed the fraud in April 2004 and had immediately made the complaint about stealing of cheque on 19.4.2004. Mr.Kocharekar further submits that though some entries were made by the applicant in the cheque issue register maintained by the society, the scoring of entry of concerned cheque was not done by him. He further submits that the said cheque was not signed by the applicant as Chairman of the society and in view thereof he cannot be held responsible for alleged fraud. I perused the order by which the application for bail was rejected by the trial court and other material placed before me and in particular cheque issue register maintained by the society. I do find merit in the submission of Mr.Kocharekar, however, I would not like to express any opinion at this stage as to whether questioned entry in the cheque issue register and handwriting on the cheque bearing No.329959 was of

the applicant or any other person. All the original documents as of today are in custody of the Investigating Officer. The investigating agency has already collected specimen handwriting and signature of the applicant. He reported to the investigating officer and co-operated with the investigation. Keeping this all in view and considering the nature of allegations against the applicant, his conduct and that all the documents are in custody of the investigating agency I am inclined to grant this application seeking pre-arrest bail.

. The applicant is directed to be enlarged on bail, in the event of his arrest, in C.R.No.33/2004 registered at Yellow Gate police station on his furnishing a personal bond of Rs.25,000/- with one or two sureties of the like amount to the satisfaction of the Station Officer of the concerned polices station, subject to the condition that he shall report the said police station every alternate day for a period of 15 days commencing from 26.8.2004 between 10 am and 12 noon and thereafter on every Saturday between 10 am and 12 noon for interrogation until filing of the chargesheet.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)